



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

October 16, 1959

Honorable George M. Hilliard  
Board of Vocational Nurse Examiners  
904 Lavaca Street  
Austin 1, Texas

Opinion No. WW-719

Re: Whether under Article  
4528c, Vernon's Civil  
Statutes, a hospital  
which has a licensed  
vocational nurse in  
charge of nursing or  
whether a licensed  
physician in charge  
of nursing may be  
accredited by the Board  
for Vocational Nurse  
Training.

Dear Dr. Hilliard:

Your request for an opinion from this office concerns two questions. They are as follows:

"In view of the requirement contained in Sec. 12(a) of Art. 4528c, that a hospital have a 'registered nurse' in charge of nursing to qualify as an accredited hospital for vocational nurse training, and in view of Art. 4522, VRCS, which provides in part that 'a nurse who has received his or her license or permit according to provisions of this law, shall be styled a 'registered nurse' . . .', may a hospital which meets the other requirements for accreditation for vocational nurse training, but which has a licensed vocational nurse in charge of nursing, be accredited by this Board for vocational nurse training?"

Your second question concerns whether a licensed physician could serve in such capacity.

Section 12a of Article 4528c provides as follows:

"Any general hospital in regular use for patients which has a registered nurse in charge of nursing, and whose staff consists of one or more licensed physicians licensed by the State Board of Medical Examiners, may qualify as an accredited hospital for Vocational Nurse Training, provided it can and will meet requirements of the Board for the training of Vocational Nurses." (Emphasis added).

This section provides that one of the basic requirements for a general hospital to meet the qualifications of the Board of Vocational Nurse Examiners is that a registered nurse be in charge of nursing. The title "registered nurse" has been prescribed by statute in Chapter 7, Revised Civil Statutes of Texas. Such statute establishes the Board of Nurse Examiners and provides qualifications which must be complied with for a person to become a registered nurse.

Section 12a provides that a registered nurse be in charge of nursing in a hospital that seeks accreditation for vocational nurse training.

It is our opinion that the Legislature, by providing that a registered nurse with the requirements provided by statute, be in charge of such training, prohibits all other licensed or unlicensed nurses from being in charge of vocational nurse training.

Your second request concerns the question of whether a licensed physician could serve in such capacity. Section 12a of Article 4528c provides in part as follows:

". . . and whose staff consists of one or more licensed physicians licensed by the State Board of Medical Examiners, . . ."

It is our opinion that it was the intention of the Legislature that general hospitals that seek to qualify as accredited hospitals for vocational nurse training must not only have a registered nurse but must have on its staff one or more licensed physicians who have been licensed by the

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State Board of Medical Examiners to qualify for such training. Section 12a, therefore, sets out that those hospitals seeking to qualify for vocational nurse training must have a registered nurse and at least one licensed physician before the hospitals can qualify as accredited hospitals for vocational nurse training.

SUMMARY

A Registered Nurse must be in charge of nursing for a hospital to meet the requirements for accreditation for vocational nurse training as provided for in Section 12a of Article 4528c, Vernon's Civil Statutes.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
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LFP:mfh:rm

APPROVED:

OPINION COMMITTEE  
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REVIEWED FOR THE ATTORNEY GENERAL  
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